

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON AGRICULTURE**

**Call to Order:** By **CHAIRMAN DIANE RICE**, on February 4, 2003 at 3:00 P.M., in Room 172 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Diane Rice, Chairman (R)  
Rep. Ralph Lenhart, Vice Chairman (D)  
Rep. Joan Andersen (R)  
Rep. Norman Ballantyne (D)  
Rep. Bob Bergren (D)  
Rep. Norma Bixby (D)  
Rep. Carol Lambert (R)  
Rep. Bruce Malcolm (R)  
Rep. Jim Peterson (R)  
Rep. Brennan Ryan (D)  
Rep. Veronica Small-Eastman (D)  
Rep. Frank Smith (D)  
Rep. Donald Steinbeisser (R)

**Members Excused:** Rep. Verdell Jackson, Vice Chairman (R)  
Rep. Bill Thomas (R)  
Rep. Karl Waitschies (R)

**Members Absent:** None.

**Staff Present:** Lisa Gallagher, Committee Secretary  
Krista Lee Evans, Legislative Branch

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed. Tape stamp refers to material immediately following.

**Committee Business Summary:**

Hearing & Date Posted: HB 420, 1/25/2003  
Executive Action: HB 420; HB 75; HB 378

HEARING ON HB 420

**Sponsor:** REPRESENTATIVE BOB LAKE, HD 60, HAMILTON

**Opening Statement by Sponsor:**

*{Tape: 1; Side: A; Approx. Time Counter: 0 - 3.9}*

REP. BOB LAKE, submitted his written testimony.

**EXHIBIT**(agh24a01)

**Proponents' Testimony:**

*{Tape: 1; Side: A; Approx. Time Counter: 4.1 - 6.9}*

Greg Ames, ASD Administrator, Montana Department of Agriculture, submitted his written testimony.

**EXHIBIT**(agh24a02)

*{Tape: 1; Side: A; Approx. Time Counter: 5.8}*

REP. JACKSON came in.

**Pam Langley, Montana Agriculture Business Association (MABA),** said that they are in full support of this bill. They helped with the development of this program, and to containerize all the pesticides at one time saves money. When the program first started they had no idea how much money the fees were going to generate, and that is why the fees were \$30. However, because it has raised so much revenue they are going to lower the fee to \$10.

**Barbara Broberg, Women Involved in Farm Economics,** stated that this is a good program, which has used the money wisely and they are in support of this bill.

**Chuck Ball, Tru Green Chem Lawn, Helena,** stated that he is in support of this bill.

**Richard Owen, Montana Grain Growers Association,** stated that they support this bill.

**John Youngberg, Montana Farm Bureau,** stated that they are in support of this bill, and he commended the Department of Agriculture for lowering the fees now that the fund has grown.

**Gerald Landby, Association of Montana Turf, Helena,** stated that he is in support of this bill. He stated that the pesticide

disposal program in an excellent program when it comes to getting rid of old pesticides.

**Gary Davis, A Plus Landscaping**, stated that he is in support of this bill.

**Opponents' Testimony:** none

**Questions from Committee Members and Responses:**

***{Tape: 1; Side: A; Approx. Time Counter: 13 - 18.6}***

**REP. ANDERSON** stated that on the fiscal note this bill is effective upon approval, however the Department of Agriculture has stated that a more effective time would be July 1, 2003.

**REP. ANDERSON** asked **REP. LAKE** what he thought about this. **REP. LAKE** said that the renewal date is January 1, this bill closes on December 31 of this year, and July 1 will become a new point; so, when January 1 rolls around everything will be in place for the next year.

**REP. MALCOLM** asked **REP. LAKE** what his intention with HB 75 was.

**REP. LAKE** said that he asked the committee to ignore HB 75 until he had this bill drafted and that HB 75 was premature.

***{Tape: 1; Side: A; Approx. Time Counter: 14.4}***

**REP. WAITSCHIES** came in.

**REP. MALCOLM** asked **Greg Ames** if it was appropriate for the Department of Agriculture to set the fees instead of having to come back to the Legislature every time they want to change the fees. **Greg Ames** said that what this bill will do is give the Department of Agriculture by rule the authority to set the fees. The Department is seeking rule by authority to change the fees with this bill.

**REP. SMITH** asked **Greg Ames** if HB 75 was brought at the request of the Department of Agriculture. **Greg Ames** said, "Yes."

**REP. SMITH** asked **Greg Ames** why the fee change was not included in HB 75. **Greg Ames** said that they just looked at the sunset provision and not the fees in HB 75. Then they looked at changing the fees and decided to combine the sunset with the fee change and that is what is being done in HB 420.

**REP. STEINBEISSER** asked **Greg Ames** what is done with these chemicals. **Greg Ames** said that they hire out contractors, which

go out to the location and collect the chemicals and then containerize them safely. From there they are shipped out of state and properly disposed of in California.

**Closing by Sponsor:**

***{Tape: 1; Side: A; Approx. Time Counter: 18.7 - 19.9}***

**REP. LAKE** said that this is a simple bill that provides for the continuation of a good program. He said that he is a user of this program and he knows that it is easy to use. It is a well-publicized program, and the costs to the dealers are being reduced in this bill.

**EXECUTIVE ACTION ON HB 420**

**Motion/Vote:** **REP. LENHART** moved that **HB 420 DO PASS**. Motion carried 16-0, by voice vote.

**EXECUTIVE ACTION ON HB 75**

**Motion/Vote:** **REP. BERGREN** moved that **HB 75 BE TABLED**. Motion carried 16-0, by voice vote.

**REP. THOMAS** came in.

**EXECUTIVE ACTION ON HB 378**

**Motion:** **REP. LAMBERT** moved that **HB 378 DO PASS**.

**Motion:** **REP. SMALL-EASTMAN** moved that **HB 378 BE AMENDED**.

**Discussion:**

**REP. SMALL EASTMAN** explained the amendment to this bill.  
**EXHIBIT** (agh24a03)

**REP. BALLANTYNE** said that this amendment makes this a good bill, and it is very appropriate.

**Will Kissinger, Deputy Director of the Department of Agriculture,** said that they contacted Dr. Peter Rice, botanist at the U of M, and Dr. Roger Shootey, MSU, and they both said that there is a problem with the word "endemic." The problem with using the word "endemic" in a botanical sense, is that it could cause problems with plants that are endemic outside of Montana. A better word

would be "indigenous," which means "native to a region or a country, not introduced or imported." This is what the Department of Agriculture has based its recommendation on for this bill.

**Vote:** Motion that HB 378 BE AMENDED carried 16-0, by voice vote.

**REP. WAITSCHIES** asked Krista Lee Evans why the term "native plant" was being defined, and how does defining native plant deal with noxious weeds. **Krista Lee Evans** stated that the only place this is being amended is in the noxious weed statute. The way the botanists define endemic is that it can only occur in the State. Some of the grasses and plants that are good plants in the State would not fall into that definition because they are in other states as well. With the term "indigenous" more plants would be considered native.

**REP. WAITSCHIES** asked Krista Lee Evans how this applies to noxious weeds. **Krista Lee Evans** said that if the plant is a native plant then it is not a noxious weed.

**REP. SMALL-EASTMAN** handed out a memo from the Department of Environmental Quality.

**EXHIBIT** (agh24a04)

*{Tape: 1; Side: B; Approx. Time Counter: 0 - 3.4}*

**REP. RICE** asked Will Kissinger how this might relate to the Federal Invasion Species Act. **Will Kissinger** said that he did not know, and he will find out.

**REP. PETERSON** said that when he first heard this bill he thought that it narrowed the definition down too much and now that has been removed with the word indigenous. He then asked Janet Ellis, Montana Audubon Society, if there is something here that they did not know. **Janet Ellis** said that this is just a housekeeping bill, and when this legislation was sponsored ten years ago they discovered the problem halfway through the session. However, they decided to leave it. She also stated that, "This bill will just clean up a problem definition, and it is really a housekeeping bill."

**REP. THOMAS** asked Will Kissinger if this bill will come back to haunt the agriculture community. **Will Kissinger**, said that was his concern at first, so they contacted botanists and ten weed-control specialists. After talking with them they felt that there should not be any problem using the word "indigenous." He

also said that Dr. Peter Rice felt secure with using the word "indigenous."

**Motion/Vote:** REP. SMALL-EASTMAN moved that HB 378 DO PASS AS AMENDED. Motion carried 15-1 with REP. THOMAS voting no, by voice vote.

**ADJOURNMENT**

Adjournment: 3:45 P.M.

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REP. DIANE RICE, Chairman

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LISA GALLAGHER, Secretary

DR/LG

**EXHIBIT (agh24aad)**